

EXHIBIT ~~SH~~



Strategies Solutions Success

***Reply to:**

Carol Green von Kaul, Esq.

March 24, 2023.

VIA EMAIL (jmgills@foley.com)

Jeanne M. Gills, Esq.

Foley & Lardner, LLP

321 North Clark Street, Suite 3000

Chicago, Illinois 60654-4762

Re: Trademark Infringement of “SARAH” Registered Trademark

Dear Ms. Gills:

As counsel for Sarahi Fashion House, Inc., (“Sarahi”) a clothing retailer, who offers clothing such as coats, jackets, dresses, bodysuits, skirts, shorts, pants, shirts, t-shirts, and jeans for sale, I write regarding Fashion Nova’s misuse of Sarahi’s trademark: “SARAH.”

As Fashion Nova’s lead counsel of record in the matter currently pending in U.S. District Court, Southern District of Florida, styled as *Suzette Kelly v. Fashion Nova*, Case No. 0:21-CV-61937-RS, you are aware that Sarahi asserted a claim for False Designation of Origin, False Description and Dilution - 15 U.S.C. § 1125(a) seeking relief from Fashion Nova’s misuse of Sarahi’s “SARAH” common law trademark with substantially similar colorable variations thereof. The mark recently received federal registration, U.S. Trademark No. 6,965,739. A copy of the Certificate of Registration is hereby enclosed (the above federal registration can be verified by using the search tools at the USPTO website: <http://tess2.uspto.gov/>).

Sarahi, as the exclusive owner of the “SARAH” mark, has been using its’ mark in connection with its’ clothing line in the United States for more than 12 years. As a result of my client’s long-standing use and the distinctive high quality of its’ goods, the “SARAH” mark has become widely known throughout the United States, is closely identified with Sarahi, and represents substantial, valuable goodwill.

Notwithstanding the foregoing, Fashion Nova persists in using colorable variations that are confusingly similar to Sarahi’s federally registered “SARAH” trademark on its www.fashionnova.com website, in conjunction with Fashion Nova’s offer for sale, and the sale of similar goods in the identical class of goods (International Class 025) as Sarahi, i.e., jackets, dresses, bodysuits, skirts, shorts, pants, shirts, and t-shirts. See the attached screenshots of the infringing items with Fashion Nova’s use of the term “SARAH,” and including substantially similar colorable variations thereof: “SARAI,” “SARAIH,” “SARA,” and “SARAH.”

Sarahi therefore demands that Fashion Nova immediately cease such infringing activity, desist from such infringing activity in the future, and comply with Sarahi’s other requirements set forth in this letter. To the extent Fashion Nova intends to rely on the excuse that its use of substantially similar colorable variations of “SARAH” mark are representative of “babies’ names,” Sarahi believes this provides an opportunity for a simple resolution – Fashion

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Nova can easily select another “baby’s name.” Alternatively, such excuse is lacking in good faith basis as interestingly, Fashion Nova did not select other popular first names of other famous marks like: “MICHAEL,” “RALPH,” “LAUREN” or “CALVIN.” Notwithstanding, Fashion Nova’s misuse of the “SARAH” mark violates Sarahi’s rights in its’ federally registered mark.

Fashion Nova’s prominent misuse of the “SARAH” mark in this manner appears to be made with the intent to profit and trade on Sarahi’s goodwill with callous disregard of Sarahi’s trademark rights in its “SARAH” mark. Further, Fashion Nova’s unlawful misuse creates the false impression that Fashion Nova’s goods originate from Sarahi, or that Sarahi is somehow connected or falsely associated with Fashion Nova’s goods to deceive customers or to cause confusion or mistake as to the origin or affiliation of Fashion Nova’s and Sarahi’s goods. Fashion Nova’s use is also likely to dilute the distinctive quality of the “SARAH” mark. The attempted association of Sarahi’s trademark with Fashion Nova’s goods is likely to blur the distinctive character and reputation of Sarahi’s trademark.

As you know, the above use of the “SARAH” mark in connection with Fashion Nova’s goods can subject Fashion Nova to liability for willful trademark infringement, and false designation of origin, and trademark dilution, in violation of the Lanham Trademark Act, 15 U.S.C. § 1051 *et. seq.* Further, the civil remedies available for these violations include immediate and permanent injunctive relief, recovery of Fashion Nova’s profits, and up to three times the amount of monetary damages suffered by my client, as well as an award of attorney’s fees.

Sarahi therefore demands that Fashion Nova immediately:

- I. Cease and desist from all further use of the “SARAH” mark and any other colorable variations likely to cause confusion with or dilution of Sarahi’s trademarks on www.fashionnova.com;
- II. Destroy all materials (e.g. hangtags, labels, etc.) in its possession or control bearing any designation likely to cause confusion with or dilution of the “SARAH” trademark; and
- III. Provide Sarahi with sufficient information to determine the full amount of Fashion Nova’s gross revenues and profits derived from its use of the “SARAH” mark.

Sarahi further demands that Fashion Nova provide, by no later than the close of business on April 10, 2023, written confirmation that Fashion Nova will comply with these demands. Fashion Nova is specifically advised that any failure or delay in complying with these demands will likely compound the damages for which Fashion Nova may be liable. If Sarahi does not receive a satisfactory and timely response, Sarahi is prepared to take all steps necessary to protect Sarahi’s valuable intellectual property rights, without further notice to Fashion Nova.

The above is not an exhaustive statement of all the relevant facts and law. Sarahi expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages.

Sincerely,

Carol Green von Kaul, P.A.

By: *Carol Green von Kaul*

Carol Green von Kaul, Esq.